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THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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WRIT PETITION No. 10534 of 2007

Dated: 16-05-2007

Between:

M/s. Executive Engineer,
Engineering Wing of Krishna District
Scheduled Caste Cooperative society,
Rep., by its Executive Engineer,
Machilipatnam,
Krishna District.

..... PETITIONER

AND

The Regional Provident Fund Commissioner-II,
Authority under Section 14-B of EPF, & MP Act, 1952,
Employees' Provident Fund Organisation,
Guntur and another.

.....RESPONDENTS

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ORDER:

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The petitioner questions the order dated 21-11-2006 made under Sections 7-Q and 14-B of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for brevity 'the Act') imposing penal damages and interest.

In a similar case, a Division Bench of this Court delivered the following Judgment in W.A.No.1880 of 2003.

“Having regard to the facts and circumstances of the case, we direct the respondents not to take any coercive steps against the appellant for realisation of the amounts pursuant to the impugned order dated 07-07-2003 subject to the condition of the appellant herein depositing 50% of the amount demanded within four weeks from today, failing of which, this writ appeal shall stands dismissed.

The appellant shall produce copy of the proceedings evidencing the deposit of 50% of the amount before the Tribunal thereafter shall take up the hearing of the appeal for its disposal on merits.

The Writ Appeal is accordingly disposed of modifying the orders passed by the learned Single Judge. No costs.”

Following the above Judgment, this Writ Petition is disposed of directing the respondents not to take any coercive steps against the petitioner for realisation of the amounts pursuant to the impugned order dated 21-11-2006, subject to the condition of the petitioner herein depositing 25% of the amount demanded within four weeks from today and producing the proof of deposit along with the appeal to be filed. On depositing 25% of the demanded amount and on filing the appeal, the Tribunal shall take up the hearing of the appeal and dispose of the

same on merits. No costs.

NOOTY RAMAMOHANA RAO,J

Date: 16-05-2007
KLP/LUR